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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,882	01/29/2002	Yukio Murata	122.1483	2430
21171	7590	10/18/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER SHEIKH, ASFAND M	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/057,882

Applicant(s)

MURATA, YUKIO

Examiner

Asfand M. Sheikh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b)

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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#### DETAILED ACTION

The amendment filed on 02-Aug-2007 has been entered.

Claims 1-10 were previously pending for examination. Claims 1, 7 and 10 have been amended. Claims 4-6 have been cancelled. Therefore claims 1-3 and 7-10 are pending for examination.

The examiner maintains the same grounds of rejection this action has been made final.

#### *Claim Rejections - 35 USC § 101*

The examiner withdraws the 35 U.S.C. 101 rejection of claims 4-6.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kapadia et al. in view of Wilson et al.

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As per claim 1, Kapadia et al. teaches receiving requirement information of products from the customer to a management unit (Kapadia et al., see at least, col. 3, lines 49-57), providing the customer with shipment guarantee information from said management unit according to product availability information provided by a production management system, which shipment guarantee information includes at least a deliverable volume of said products provisionally allocated to be delivered by an appointed delivery date, according to said requirement information (Kapadia et al., see at least, col. 2, lines 21-33, col. 3, lines 49-57, and col. 4, lines 19-44), receiving a formal order-receiving information of the products by the management unit from said customer in response to said shipment guarantee information (Kapadia et al., see at least, col. 2, lines 21-33, col. 3, lines 49-57, and col. 4, lines 19-44), wherein the management unit sends an allocation confirmation to the customer (Kapadia et al., see at least, col. 2, lines 21-33, col. 3, lines 49-57, and col. 4, lines 19-44).

The examiner notes that Kapadia et al. is silent with respect to formally allocating a shipment volume for said products corresponding to said shipment guarantee information, by the management unit based on said received formal order-

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receiving information, wherein the management unit sends a shipping order to a distribution management system.

Wilson et al. teaches formally allocating a shipment volume for said products corresponding to said shipment guarantee information, by the management unit based on said received formal order-receiving information, wherein the management unit sends a shipping order to a distribution management system (Wilson, see at least, 0028, 0037, 0063-0065).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kapadia et al. in order to include formally allocating a shipment volume for said products corresponding to said shipment guarantee information, by the management unit based on said received formal order-receiving information, wherein the management unit sends a shipping order to a distribution management system as taught by Wilson et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an end-to-end supply chain management service that is quick and cost-effective for online businesses (Wilson et al, see at least, 0007).

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As per claim 2, the examiner notes that Kapadia et al. is silent with respect to wherein said formally allocating, when said provisionally allocated shipment guarantee value exceeds the formally allocated deliverable volume exceeds a shipment volume, a portion of the excess is used for another formal allocation, and when said provisionally allocated deliverable volume falls short in comparison with a formal allocation, a portion of the shortage is allocated to a new formal order-receiving.

Wilson et al. teaches wherein said formally allocating, when said provisionally allocated shipment guarantee value exceeds the formally allocated deliverable volume exceeds a shipment volume, a portion of the excess is used for another formal allocation, and when said provisionally allocated deliverable volume falls short in comparison with a formal allocation, a portion of the shortage is allocated to a new formal order-receiving (Wilson et al., see at least, 0024, 0035, 0051, and 0064-0065).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kapadia et al. in order to include wherein said formally allocating, when said provisionally allocated shipment guarantee value exceeds the

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formally allocated deliverable volume exceeds a shipment volume, a portion of the excess is used for another formal allocation, and when said provisionally allocated deliverable volume falls short in comparison with a formal allocation, a portion of the shortage is allocated to a new formal order-receiving as taught by Wilson et al. The motivation to combine is the same as claim 1, above.

As per claim 3, the examiner notes that Kapadia et al. is silent with respect to formally allocating, the shipment guarantee information is deleted on or after a deadline delivery date for receiving said formal order-receiving information which deadline delivery date is calculated from the appointed delivery date included in said shipment guarantee.

Wilson et al. teaches formally allocating, the shipment guarantee information is deleted on or after a deadline delivery date for receiving said formal order-receiving information which deadline delivery date is calculated from the appointed delivery date included in said shipment guarantee (Wilson et al., see at least, 0024 and 0035).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kapadia et al. in

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order to include formally allocating, the shipment guarantee information is deleted on or after a deadline delivery date for receiving said formal order-receiving information which deadline delivery date is calculated from the appointed delivery date included in said shipment guarantee as taught by Wilson et al. The motivation to combine is the same as claim 1, above.

As per claim 7-10, the examiner notes that claims 4-10 are substantially similar to those of claims 1-3, and therefore are rejected under similar grounds. Further the examiner notes similar motivation is used to combine Kapadia et al. in view of Wilson et al.

#### ***Response to Arguments***

3. Applicant's arguments filed 02-Aug-2008 have been fully considered but they are not persuasive.

With respect to claims 1-3 and 7-10, the examiner notes that the claims have been amended to include and or and an if statement: e.g. receiving formal order-receiving information of the products by the management unit from said customer in response to said shipment guarantee information, the formal order-receiving



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information including a delivery date which is one of the appointed delivery date or a changed date input by said customer and wherein if the delivery date is the changed date input by the customer, the management unit sends a notification to the customer if allocating the shipment volume for said products corresponding to said formal order-receiving information is impossible. The examiner notes that these conditions do not need to be satisfied in order for the claim to be held true. Therefore the prior art of record reads on the claims as noted above. The arguments presented only refer to the newly added limitations. Therefore the following arguments are not persuasive.

#### **Conclusion**

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

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of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

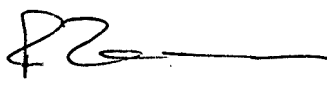
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Asfand M Sheikh  
Examiner  
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ams  
14-Oct-2007

 10/13/07  
F. RYAN ZEENDER  
SUPERVISORY PATENT EXAMINER